



U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

July 9, 2025

By ECF

Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Fed. Defenders of N.Y., Inc. v. BOP, et al.*
Civil Action No. 19-cv-660 (Brodie, Ch. J.) (Kuo, M.J.)

Dear Chief Judge Brodie:

This Office represents Defendants, Federal Bureau of Prisons (“BOP”) and the Warden of the Metropolitan Detention Center, Brooklyn (“MDC Brooklyn”) (collectively, “the Government”) in the above-referenced lawsuit, in which Plaintiff Federal Defenders of New York, Inc. (“Plaintiff” or “Federal Defenders”) alleges that MDC Brooklyn provides detainees inadequate access to counsel. We write to provide a status report in advance of the July 11 status conference. *Cf.* June 13, 2025 Minute Entry. Legal visitation at MDC Brooklyn remains robust, with detainees having legal access in-person, through video calls, and scheduled telephone calls.

I. In-Person Legal Access

MDC Brooklyn continues to facilitate in-person attorney-client meetings seven days a week. Additionally, the Attorney Guide to MDC Brooklyn, which outlines relevant policies and procedures applicable to attorneys representing detainees incarcerated at the facility, is available for consultation on MDC Brooklyn’s public-facing webpage. *See Attorney Guide to the Metro. Det. Ctr., Brooklyn, N.Y.*, FED. BUREAU OF PRISONS, <https://www.bop.gov/locations/institutions/bro/bro-attorney-guide.pdf>.¹

At a recent mediation session, the parties also discussed Plaintiff’s claim that attorneys reported long wait times for front desk processing on July 3, 2025 between 8:30 a.m. and 9:30 a.m., which Plaintiff attributed to one officer at the front desk who took longer to input

¹ Recently, the U.S. Immigration and Customs Enforcement (“ICE”) began using portions of MDC Brooklyn to house a select number of ICE civil detainees. These ICE civil detainees are not subjects of the instant action brought by Federal Defenders to remedy alleged harms to Federal Defenders and its clients. Federal Defenders is a not-for-profit corporation “dedicated to offering public defense services to indigent persons in federal criminal cases in the Eastern and Southern Districts of New York.” *See* Compl., ¶ 8. ICE set up a public-facing website including the agency’s instructions regarding attorney visitation, which counsel for ICE civil detainees can refer to for additional guidance. *See MDC Brooklyn*, U.S. IMMIG. & CUSTOMS ENF’T, <https://www.ice.gov/detain/detention-facilities/mdc-brooklyn> (select “Hours of Visitation” tab and scroll to “Attorney Visits” section).

² This figure includes multiple calls and VTCs flagged by Federal Defenders for which MDC Brooklyn logs reflect (among other things) that the attorney did not answer when called, that the detainee was not in the unit or facility at the time the call or VTC went forward, that the detainee otherwise refused to take the call or VTC, or that MDC Brooklyn's call logs indicate that the call or VTC in fact went forward.